

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

PEDRO ROSSELLO, et al.,

Plaintiffs,

v.

BROWN & WILLIAMSON, et al.,

Defendants

CIVIL CASE NO. 97-1910 (JAF)

**JOINING SPMs' REQUEST TO FILE A BRIEF REPLY
TO
PLAINTIFF'S OPPOSITION TO THE PMS' REQUEST TO COMPEL ARBITRATION
AND
REQUEST FOR EXTENSION OF TIME TO REPLY**

TO THE HONORABLE COURT:

COME NOW Subsequent Participating Manufacturers Liggett Group LLC, Commonwealth Brands, Inc., Compania Industrial de Tabacos Monte-Paz, S.A., Daughters & Ryan, Inc., Farmers Tobacco Company of Cynthiana, Inc., House of Prince A/S, Japan Tobacco International U.S.A., Inc., King Maker Marketing, Inc., Kretek International, Inc., Liberty Brands, LLC, Peter Stokkebye Tobaksfabrik A/S, P.T. Djarum, Santa Fe Natural Tobacco Company, Inc., Sherman's 1400 Broadway N.Y.C., Inc., Top Tobacco, L.P., Vibo Corporation d/b/a General Tobacco, Virginia Carolina Corporation, Inc., and Von Eicken Group (collectively, the "Joining SPMs"), through their undersigned counsel, to make the following request:

1. On October 27, 2006, the Original Participating Manufacturers ("OPMs") filed a motion to enforce the arbitration provisions of the Master Settlement Agreement. (Docket Nos. 262 and 263.) On October 31, 2006, the Joining SPMs filed a joinder in the OPMs' motion. (Docket No. 268.) On November 3, 2006, Plaintiff, the Commonwealth of Puerto Rico ("the

Commonwealth”) filed a motion requesting a 30-day extension of time to respond. (Docket No. 269.) The Court granted Plaintiff’s request and extended the response deadline from November 6, 2006 to December 7, 2006 (Docket No. 271). Plaintiff filed its response on December 7, 2006 (Docket No. 272). In that response, the Commonwealth makes several assertions that the Joining SPMs feel must be clarified. Accordingly they request leave of the Court to file a memorandum in reply.

2. Pursuant to FED. R. CIV. P. 6(a), the Joining SPMs’ reply would be due on December 18, 2006. The Joining SPMs will need a short extension of time to satisfactorily and concisely address the issues. Because the requested extension of time includes Christmas Day and New Year’s Day, and in light of the scheduled surgery of the Joining SPMs’ Puerto Rico counsel (see SPMs’ Motion Regarding Medical Leave and Request for Automatic Extension, filed on December 7, 2006), the Joining SPMs request an extension of time to expire on January 9, 2007.

WHEREFORE, the Joining SPMs respectfully request leave to file a brief reply to the Commonwealth’s *Motion in Opposition to Motion to Enforce the Arbitration Provisions of the Master Settlement Agreement*. (Docket No. 272). The Joining SPMs also request an extension of time, to expire on January 9, 2007, to file their reply.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 8th day of December, 2006.

s/ Russell A. Del Toro
Bar Number 121302
DEL TORO & SANTANA
Plaza Scotiabank, 6th Floor
273 Ponce de Leon Avenue
San Juan, Puerto Rico 00917-1902
Tel: 787-754-8700
Fax: 787-756-6677
E-mail: rdeltoro@dtslaw.com

Of Counsel

Robert J. Brookhiser
Elizabeth B. McCallum
HOWREY LLP
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004
Tel. (202) 783-0800
Fax. (202) 383-6610

*Attorneys for Certain Subsequent Participating
Manufacturers*

Commonwealth Brands, Inc.
Compania Industrial de Tabacos Monte Paz,
SA
Daughters & Ryan, Inc.
Farmers Tobacco Co. of Cynthiana, Inc.
House of Prince A/S
Japan Tobacco International U.S.A., Inc.
King Maker Marketing, Inc.
Kretek International, Inc.
Liberty Brands, LLC
Liggett Group LLC
Peter Stokkebye International A/S
P.T. Djarum
Santa Fe Natural Tobacco Company, Inc.
Sherman's 1400 Broadway, N.Y.C., Inc.
Top Tobacco, L.P.
Vibo Corporation d/b/a General Tobacco
Virginia Carolina Corporation, Inc.
Von Eicken Group

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 8th, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Benjamin Acosta, Jr., Salvador Antonetti, Francisco A. Besosa, Heriberto J. Burgos-Perez, Edgardo Cartagena Santingo, Jose A. Fuentes-Agostini, William A. Graffam, Gina Ismalia Gutierrez-Galang, Manuel A. Guzman Rodriquez, Paul H. Hulsey, Juan A. Ramos Diaz, Hector Reichard Jr., Vicente Santori Coll, Richard Schell Asad and Eric A. Tulla. Notice will be served by regular mail to the following non registered attorneys:

Roberto J. Sanchez Ramos
Office of the Attorney General
Department of Justice
P.O. Box 9020192
San Juan, PR 00902

Scott C. Linden
Adam E. Miller
Michael B. Minton
William Newbold
Carl Rowley
Thompson & Coburn
One Mercantile Center
St. Louis, MO 63101

Lee E. Young
Charles J. Mikhail
Ness, Motley, Loadholt, Richardson & Poole
151 Meeting St., Suite 600
PO Box
Charleston, SC 29402

Peter Bellacosa
Kirkland & Ellis
153 E. 53rd Street
New York, NY 10022

Frederick C. Baker
J. Anderson Berly
Jerry Hudson Evans
W. Michael Gruenloh
Charles J. Mikhail
Ronald L. Motley
Ness, Motley, Loadholt, Richardson & Poole
28 Bridgeside Blvd. Suite 400
PO Box 1792
Mount Pleasant, SC 29465

Vincent Chang
Davis Polk & Wardwell
450 Lexington Avenue
New York, NY 10017

Michael S. Chernis
Alan Kaufman
Robery Gaffey
Kristi L. Midbow Miller
Jones Day, Reavis & Pogue
599 Lexington Ave.
New York, NY 10022

Julie R. Fischer
Aaron H. Marks
Marie V. Santacroce
Kasowitz, Benson, Torres & Friedman, LLP
1301 Avenue of the Americas
New York, NY 10019

Robert F. McDermott, Jr.
Jones, Day, Reavis & Pogue
Metropolitan Square
1450 G Street, NW
Washington, DC 20005

Andrew T. Frankel
David M. Moss
Demetra Frawley
Kathleen L. Turland
Mark G. Cunha
Simpson, Thacher & Bartlett
425 Lexington Ave.
New York, NY 10017

Douglas W. Davis
Jack E. McClardy
Robert R. Merhige
Hunton & Williams
Riverfront Plaza East Tower
951 East Byrd St.
Richmond, VA 23219

Attorneys for RJ Reynolds Tobacco Co.
Douglas G. Smith
Salvatore F. Bianca
Kirkland & Ellis LLP
Aon Center
200 East Randolph Drive
Chicago, IL 60601
Tel: 312-861-2000 / Fax: 312-861-2200

In San Juan, Puerto Rico this 8th day of December, 2006.

s/ Russell A. Del Toro
USDCPR 121302
DEL TORO & SANTANA
*Attorneys for Certain Subsequent Participating
Manufacturers*
Plaza Scotiabank, 6th Floor
273 Ponce de Leon Avenue
San Juan, Puerto Rico 00917-1902
Tel: 787-754-8700
Fax: 787-756-6677
E-mail: rdeltoro@dtslaw.com